

## CALLS CHALONER SANE IN SUIT FOR ESTATE

Attorney in Opening Before Jury  
Denounces Alleged "Gigan-  
tic Conspiracy."

**\$1,500,000 IS THE STAKE**

Lawyer Says His Client Is a Brilliant  
Young Man With Trusting  
Southern Blood.

John Armstrong Chaloner's long pending suit to regain control of his \$1,500,000 estate which was taken from him in 1909 on the ground that he was an incompetent and placed in the hands of Thomas T. Sherman as committee, went to trial yesterday afternoon before Judge Holt and a jury in the United States District Court. Chaloner is not here, as he is ill, but many of his friends and neighbors in Virginia are in New York ready to testify that they believe him to be sane and quite capable of managing his business affairs.

Mr. Sherman is named as defendant. He was in court with his counsel, John G. Milburn and Joseph H. Choate, Jr. Appearing as counsel for Chaloner are Hugh Gordon MacFarland, Frederick A. Ware and William D. Reed of this city and W. Gilmer Dunn of Charlottesville, Va.

A jury was empaneled quickly and William H. Brodie of Livingston avenue, Yorkers, was chosen foreman and Attorney Ware made the opening address on behalf of Chaloner, and denounced the alleged "gigantic conspiracy" conceived by the other members of the Chaloner family to confine his client in a Bloomingdale Asylum. That institution the lawyer characterized as a "great big money making proposition" and said he would show in the course of the trial that the "lunacy laws are a libel upon the name of law." He sketched Chaloner as a brilliant young student and a "forceful man with warm, trusting Southern blood which controls his every action."

The family was of "peculiar" stock, he admitted, but he refused to concede that his client was any more excitable than the others. According to him there were always boisterous quarrels between Chaloner and his brothers, Lewis Stevenson, William Astor and Robert Winthrop Chaloner, which did not altogether cease when they had grown to manhood. He told the incident about William Astor Chaloner's race horse services, which had run a bad race and the newspapers declared the whole affair was a coup for a purpose to be inferred. John Armstrong wanted his brother to sue the papers for libel, said the attorney. The latter's refusal resulted in a bitter quarrel which has lasted to this day.

Mr. Ware referred to the meeting between Chaloner and Stanford White at a health resort in Virginia in 1902. They became friends and the former trusted the latter implicitly. One day White observed Chaloner asking him in an abrupt manner "What in hell are you staying in Virginia for?" The two men quarreled, but soon became reconciled, and later White persuaded Chaloner to come to New York. It was on this trip that Chaloner was sent to Bloomingdale.

"And on what grounds did they put him there?" asked the lawyer, and continued: "Because he was a vegetarian, a teetotaler and because, if you please, he was a little ahead of his time. There are thousands of vegetarians to-day and the asylums are filled with persons who are not teetotalers."

The accusation that Chaloner was one time confined in a sanitarium at Neuilly, France, is not based on fact, said Mr. Ware. Chaloner lived at Neuilly at one time and he tells the story of how he once made a war with the French, but he badly got out on the fire escape and stay there for a time.

Mr. Ware will have twenty minutes this morning to conclude his address to the jury.

Chaloner has been adjudged sane in Virginia by the County Court of Albemarle county. The present suit was begun in the United States District Court in this district. In addition to getting control of his property Chaloner also seeks to collect \$250,000 damages from Sherman for alleged conversion.

Chaloner's first difficulty in the prosecution of his suit was to come to New York without danger of being again thrown into Bloomingdale. The Circuit Court denied the application made by Chaloner for a writ of protection. The Circuit Court of Appeals, however, reversed the lower court and ordered that Chaloner here if he will put himself in Marshal Henkel's custody. According to Attorney Miller Chaloner is not likely to make the journey because of physical weakness.

**MISS CAMERON SHOWS NO DEEDS.**

Attorney for the Hawley Estate Thinks  
Provision Will Be Made for Her.

John B. Stanfield of the law firm of Stanfield & Levy, who are the attorneys for the estate of the late Edwin Hawley, said yesterday that he didn't believe the report that Miss Margaret Cameron, Mr. Hawley's protégée, had deeds or papers in her possession for the house in East Sixtieth street and the property at Babylon, L. I. No such papers have been shown to him, said Mr. Stanfield. He said that there has never been any friction between Miss Cameron and any members of the Hawley family and that when the business of straightening out the estate is finished he thought it altogether likely that the heirs would agree to some provision for Miss Cameron. He said that Miss Cameron was liked by all the members of the family.

Miss Cameron, he said, had been taken in by Mr. Hawley as a child of 10, had been educated and grew up in the Hawley home as a member of the family.

**MANY HORSES SHOT IN STREET.**

Thirty Animals Dead After Stable Fire  
That Damaged Building \$50.

Thirty horses were suffocated or otherwise injured as they had to be shot in a fire that caused about \$50 damage to John Lange's stable building at 80 Manhat street early yesterday morning. About half the horses in the stable either died or were killed.

The fire was in some damp straw in the rear of the stable and had been burning for some time before it was discovered. It filled the place with a choking smoke that suffocated many horses. After the fire had been extinguished it was found that a number of others would have to be killed and Dr. Sterling, a veterinary, and Lange started to kill them in the street. Several had been shot when Policemen Hayes told him he would have to finish the work in the stable. Lange says each horse was worth about \$300.

**\$1,500 for Brother's Death.**

A jury before Justice Blackman in the Supreme Court, Brooklyn, yesterday awarded Naina Tengstrom a verdict for \$1,500 in her suit against the contracting firm of Rodgers & Haggerty for the death of her brother, Frederick T. Tengstrom. The latter and five other workmen were killed in a new cistern in Gold street about three years ago. The jury decided that the contractors had neglected to put in sufficient shoring.

## AUTO ENGINE OUSTS HORSES.

Best, Engine 39's Mascot, is Also Out  
of a Job When "The Giant" Moves In.

New York's first gasoline pumping automobile first went into service yesterday and displaced the horse apparatus of Engine 39 at Fire Headquarters building in East Sixty-seventh street. The ousting of the horse drawn apparatus was done with considerable formality under the direction of Fire Commissioner Johnson and Chief Kenyon.

The five horses that have pulled the old steam pumping engine and the tender went to the training stables temporarily until drafted into some other company. Members of the crew were displaced by a crew of graduates of the department's automobile school and the old crew will be distributed among other companies like the horses. The firemen showed their affection for the animals yesterday by adorning them with red, white and blue ribbons and they were rubbed down and currycombed until their sleek sides were as fine as silk.

The company mascot, Boss, a Dalmatian hound, daughter of Okie, which was presented to the company a few years ago by William K. Vanderbilt, ran about the quarters as a crowd gathered in the street. Boss could not go with the men nor with the horses, who are to be scattered, and a canine mascot is considered out of place with an up to date fire engine. A dog can keep up with the horses on a run but cannot hop thirty-five miles an hour making thirty-five miles an hour.

At 10 o'clock Chief Kenyon gave orders for the old apparatus to be moved out of the old quarters. The driver, George McGough, a graduate of the automobile school, steered the machine to a street hydrant and Foreman Seymour J. Guy and his men coupled on the hose. A stream was thrown upon the lawn of the Chapin Home estate. The water fell in a sheet of spray. The sun came from behind the clouds and the spectators saw a miniature rainbow in the air. The firemen said it was a good omen for the new apparatus.

The auto engine weighs seven tons and can pump 244 gallons of water a minute. In the afternoon the Giant went to a small fire near Fifth avenue and Seventy-third street.

**WIFE'S LETTER IN COURT.**

Frederick Looser Gets Habeas Corpus  
for His Small Daughter.

Frederick Looser obtained a writ of habeas corpus yesterday from Supreme Court Justice Davis directing Mrs. Adele Looser to produce their six-year-old daughter, Emilie Gertrude, in court to-day.

The petitioner says that his wife left him last spring without cause and is living at 2 West Eighty-second street with "one Jacobs, a detective." He says that his wife went to Nevada last year and attempted to get a divorce, but that he did not appear in the case and that a pretended decree which she obtained is void. He says she went through a form of marriage to Jacobs which is also void.

The action was brought by his papers a letter written to him by his wife on February 20, 1911, in which she said she could not live with him again and begged him to obtain a divorce because her affection for him was such that she could not be honest with her husband and marry Jacobs. She said she would "fight the whole world" for Jacobs, with the exception of her little daughter, and begged her husband to let her keep the daughter. She told her husband she was "the unhappiest girl in the world," and she asked him to "give and forget her but know he couldn't."

"At least, you can say I was honest and truthful with you and haven't deceived you in a single act," wrote Mrs. Looser.

**BUSTED BY BREACH OF PROMISE**

Defendant in Ludlow Street Jail Goes  
Into Bankruptcy.

Alexander Weinberg, tailor, of 44 Delancey street, filed a petition in bankruptcy yesterday as a poor person unable to pay the fees. Liabilities are \$2,000 with no assets. He has only one creditor, Esther Kalansky, who obtained a judgment against him in the City Court for \$2,000 on February 7 for breach of promise of marriage. Mr. Weinberg has been in Ludlow street jail for several weeks in custody of the Sheriff on a body execution. The Circuit Court has ordered that he not get him out of jail and that the only way would be on a writ of habeas corpus.

**MURDER DIDN'T SAVE VITUSKY.**

Convicted of Blackmailing East Side  
Blacksmith Who Was Killed.

Charles Vitusky, believed by the police to be one of the gang of blackmailers who have been poisoning horses on the East Side, was convicted yesterday of attempted extortion in Judge Foster's part of General Sessions. Louis Blumenthal, from whom Vitusky demanded money, was shot and killed the day before Vitusky was to be brought to trial three weeks ago, and the case was postponed.

Assistant District Attorney Press found two men who had seen Vitusky talking to Blumenthal on the day the demand was made and read the testimony given by Blumenthal in the Essex Market police court. Some of Mr. Press's witnesses managed to let the jury know, in spite of vigorous objections on the part of Vitusky's counsel, that the demand was made at Blumenthal's door on December 10, the day after he refused to pay the money demanded by Vitusky.

**TALT SHOT AT PICKPOCKET.**

Detective's Bullet Bounded From Pavement  
into Bystander's Leg.

Detective John J. Talt was on a Twenty-eighth street cross town car yesterday afternoon when he saw Peter Madden in the midst of a little crowd of men near Third avenue trying to slip his hand into another man's pocket. The detective jumped off the car and made for him. Madden ran and the detective chased him and finally drew his revolver and threatened to shoot unless Madden stopped. Madden did not stop and Talt fired. The bullet bounded from the pavement, bounded into the leg of Henry Cunningham, a laborer, of 210 East Twenty-ninth street, and Cunningham dropped.

Talt then ran down Madison and went back to see about Cunningham, who was taken in an ambulance to Bellevue. He had a clean flesh wound through the calf of the right leg. Madden was picked up in the East Thirty-fifth street police station on a charge of attempted robbery. The police have a picture of a Peter Madden in the rogues' gallery and they say he is the same man.

**Brother Contests Luke Butler's Will.**

A contest of the will of Luke Butler, who died on February 1 at 3743 White Plains road, leaving his entire estate to his wife, was filed yesterday by his brother, John Butler, claiming to be the only next of kin. The contestant alleges that the testator's wife was never legally married to him. The will said: "I give nothing to my brother."

## G. W. YOUNG BROUGHT INTO YERKES CASE

Backed Mrs. Yerkes's Lawsuits,  
According to Executor  
Owsley.

**SECRETARY WANTS \$50,000**

Proof Offered That Mrs. Yerkes Promised  
It to Her, Saying "She  
Saved My Life."

The statement, partly on hearsay, that George W. Young, the banker and husband of Mrs. Yerkes, has been paying the expenses of the litigation conducted by the late Mrs. Mary Adelaide Yerkes against Louis S. Owsley, an executor under the will of her husband, and also of the suits which have been revived since Mrs. Yerkes's death by her executors, is made by Mr. Owsley in his testimony taken before trial in a suit brought against the estate of Mrs. Yerkes by Mary A. Fitzpatrick. The plaintiff was Mrs. Yerkes's private secretary for years before her death and sues to recover \$50,000 on the ground that Mrs. Yerkes promised this sum to her in 1906 for services.

The testimony of Mr. Owsley was obtained on the ground that he had heard Mrs. Yerkes make this statement in 1906 a few months after her husband's death and had remonstrated with her because of the amount. Mr. Owsley testified that he had known Miss Fitzpatrick for years and that she had complete authority in the household of Mrs. Yerkes for some years. Among other things she did was to telephone to Wilson Mizner in Mr. Owsley's presence in the spring of 1906 and prevent him from coming to the house by representing that she was the nurse of Mrs. Yerkes and that Mrs. Yerkes couldn't be seen. This was just after the marriage of Mrs. Yerkes to Mizner. At that time Mrs. Yerkes was recovering from an operation for appendicitis.

Mr. Owsley said that Mrs. Anna Sims, a sister of Mrs. Yerkes, was in the house at the time and that Mrs. Yerkes then told him she intended to give Miss Fitzpatrick \$50,000.

"I remonstrated with her," said Mr. Owsley, "and said I thought she was very reckless in giving such a large sum of money, as the estate might not pay out well. For that reason I thought \$50,000 was a very large amount. Mrs. Yerkes replied: 'I think she saved my life and I am going to give her \$50,000.' Mr. Owsley said that Mrs. Yerkes told him that Mrs. Yerkes didn't realize how much she was going to get out of the estate, and that Mrs. Sims replied that it was 'better for her to get it than for the money to go to charity.'

Mr. Owsley said that at this time Mrs. Yerkes was in a normal state of health aside from the country for appendicitis. During the previous autumn, while Mrs. Yerkes was ill and just preceding his death in December at the Waldorf, Mrs. Yerkes was driven to the hospital and he had to pacify her. Before she left all of appendicitis there was an arrangement to send her to a sanitarium for diplopia.

James W. Osborne, counsel for Yerkes's executors, asked Mr. Owsley if he didn't call at the Fifth avenue residence at one time and tell Mrs. Yerkes that if she didn't give him a percent of the proceeds of the sale of the house and furnishings he would "blow her higher than a kite." Mr. Owsley said that he never made such a statement and never intimated that Mrs. Yerkes pay him 3 per cent on all the funds of the estate in his hands.

Mr. Owsley said he suggested to Mrs. Yerkes that instead of giving him \$10,000 and the money up in trust so as to be assured Miss Fitzpatrick's services in the future, he should instead request her to give him a percent of the proceeds of the sale of the house and furnishings, which he had been discharged by him as counsel for the executor, had been at the bottom of the endless litigation. Mrs. Yerkes refused to do so, but Mr. Owsley said that he had been told by one of the executors under Mrs. Yerkes's will that Mr. Young is still paying for the litigation.

**A BRIDE FOR \$20,000.**

Curious Suit Against the Estate of  
Brewer Simon Bernheimer.

The estate of Simon Bernheimer, the brewer, who fell dead at the Murray Hill Lyceum on July 25 last, when he was playing the bass drum at a lodge entertainment, was sued yesterday for \$20,000 by Mrs. Sarah Sanderman, wife of a musician, who says that Bernheimer was to have married her daughter the month following his death and that she consented to the engagement because Bernheimer promised to buy her a three family house in the Bronx for \$20,000. Mrs. Sanderman put in a claim for this amount to the executors of the estate, but they rejected it.

The complaint says that on or before September, 1909, Mrs. Sanderman and her daughter Rose lived in West Eighth street on the "lower East Side" and that Bernheimer, who was a "man of large wealth and aristocratic tendencies," had been paying attention to her daughter.

Bernheimer was not willing to visit her in East Eighth street, but he requested her to move to a more aristocratic neighborhood in the Bronx and she did so, at which time Mr. Bernheimer paid the executor of the estate to remove to the Bronx. Mrs. Sanderman's husband refused to live with her or provide for her because he was a musician whose business was in the neighborhood where they lived.

Mrs. Sanderman says that Bernheimer proposed marriage to her daughter and asked the executor to remove to the Bronx at first refused. The daughter would not marry without her mother's consent, but Bernheimer continued to call daily or twice a day to press his suit for the hand of the plaintiff's daughter. Finally the daughter consented if her mother was willing and the mother consented on condition that Bernheimer would buy a \$20,000 house for her, free of encumbrance. He agreed to do so and the marriage was set for early in August, but before he could buy the house or marry the daughter he died.

**Persistent Fire in a Cold Place.**

The refrigerating plant of the Standard Malt and Hop Brewing Company at 52 Park avenue, Guttenberg, was gutted by fire early yesterday. The blaze started in the boiler room and the volunteer firemen of West New York were called out to help the Guttenberg smoke eaters. An hour after the firemen returned to their quarters the flames started again and the companies put in two more hours of fire fighting. The loss was placed at \$20,000.

**Died Refusing to Tell Who Shot Him.**

Cirronio Santanello, the Italian who was shot on Sunday evening at Haverly and North Seventh streets, Williamsburg, and who refused to tell the police the name of his assailant, died early yesterday morning in the Williamsburg Hospital. An hour before the man's death, when Detective Diglio tried to persuade him to reveal the identity of his assailant, Santanello whispered that if he recovered he would be revenged in his own way.

**SPECIAL NOTICES.**

**Want Beautiful Hair?**

**Use This Shampoo**

The reason so many women have dull, brittle, stringy hair—that splits at the ends, fades and falls out—is because of using playing alkali shampoos. This robs the hair of its required oil and causes brittleness of the hair and profuse dandruff, writes Mrs. Mary Martin in the San Francisco Express.

**May or May Not Mean an Early Spring.**

Caldwell, N. J., Feb. 19.—Wild ducks, geese and starlings by the hundreds gathered about the farmyards in West Caldwell this morning. Some of the residents say this is a sign that the back-bone of winter is broken and others say the birds have been driven to the farmyards in search of food by the difficulty of getting because of wintry conditions that still remain.



Birds of a feather!

In a clean-up together.

Scarf.

4372 four-in-hands, over

half with "wafer-thin" bands.

1880 are \$1.00 scarfs.

2314 are \$1.50 scarfs.

176 are \$2.00 scarfs.

55c. now.

Suspenders.

1824 lisle web elastic—50c.

values.

25c. row.

433—tan black and gray—

were 85c. and \$1.00.

25c. now.

Night robes.

Formerly \$1.00 to \$2.50.

65c. now.

Formerly \$4.00.

\$1.85 now.

Umbrellas.

Will fold in a suit case—

values \$5.00 up.

\$2.85 now.

Suits—Winter and Spring

weights.

\$15 and \$20 now.

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Three Broadway Stores

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Warren St. 13th St. 14th St.

**SORROW FOR A GOOD DOG**

Shown by His Mistress in the Manner  
of Old Laddie's Burial.

MONTCLAIR, N. J., Feb. 19.—Laddie, a shepherd dog owned by Miss E. Lindsay of 304 Orange road, was buried to-day in a little lined oak casket that had been provided by his mistress and her brother, A. G. Lindsay. Twenty-five dollars worth of flowers were placed on the grave, which lay in a secluded grove not far from the Lindsay home.

The burial of the dog was accomplished without attracting the attention of many persons, the time and place having been kept secret. Miss Lindsay and her brother wept as the dog was laid away. It had been their companion in many parts of the country for the past fifteen years. The sire of Laddie was a famous prize-winning Scotch shepherd.

Miss Lindsay was a resident of Overbrook, a suburb of Philadelphia, until last November, when she and her brother, who is a mining promoter, came to the Orange road house in Montclair. The dog, which was a year old, was fitted to afford the dog every comfort, on account of his great age and the affection of his owner and on the second floor he had a bedroom. This apartment was furnished especially for the dog.

**PHI DELTA PHI EATS.**

Fraternity of Lawyers Holds a Bi-  
monthly Dinner—New President.

Phi Delta Phi, a fraternity of lawyers, held its regular bi-monthly dinner at the Phi Gamma Delta Club last night. West Forty-fourth street, last night, with ex-Gov. J. Franklin Fort of New Jersey as the guest of honor. Mr. Fort gave a talk on "The Law."

The ex-president of the club, ex-Superintendent of Banks O. H. Cheney, inducted the new president, Prof. J. Leslie Tompkins, registrar of the New York Law School, into office, and Mr. Tompkins acted as master of the feast. About sixty-five members were present. Among them were Chief Justice Isaac F. Russell, of the Court of Special Sessions, Prof. George Chase of the New York Law School and George W. Alger.

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## This Will Make You Happy

And Will Make  
Us Happy Too

## Browning, King & Co

This is the last week of our Winter Half-Yearly Reductions. We are very anxious to get back to regular business, and the following items, to be had at our Broadway Store, are a manifestation of our eagerness:

Every \$2.00, \$2.50 and \$3.00 Shirt has been added to the line at \$1.15. This means every Fancy

Shirt in the House, except those \$1.50 Goods that are selling at 85c., and some \$2.00 and \$2.50

French Cuff Shirts that are marked \$1.35.

\$1.00, \$1.50 and \$2.00 Silk Neckwear..... 65c

\$2.00 and \$2.50 Knitted Neckwear..... \$1.15

50c Fancy Handkerchiefs, New Goods..... 25c

\$1.00 and \$1.50 Silk Suspenders..... 55c

1/3 off Every Smoking Jacket.

1/3 off Every Bath Robe.

1/3 off Every Dressing Gown.

The Final Price of \$1.15 on the Shirts is to close.

We have included the best makes, but are not permitted to use the manufacturer's name on account of the price.

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Brooklyn: Fulton at DeKalb.

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and more value for the money  
than other makes. His name and

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tects the wearer against high prices

and inferior shoes. Insist upon hav-  
ing the genuine W. L. Douglas

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W. L. Douglas shoes are not sold in your town, send direct to factory. Take measurements

correctly and send to the nearest office. If you do not have a last, send your foot to be measured.

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